



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Meeting Date: April 4, 2016

Reference Name		Cornwallis Road Property II (A1500012)	Review Jurisdiction	City
Applicant		Pulte Homes (Bob Anderson)		
Proposed Future Land Use Map Amendment		From: Commercial (6.10 ac.), Low Density Residential (4DU/Ac. or less) (4.20 ac.), and Medium Density Residential (6-12 DU/Ac.) (16.24 ac.) To: Low-Medium Density Residential (4–8 DU/Ac.)(26.54 ac.)		
Site Characteristics		Tier:	Suburban	
		Present Use	Vacant	
		Size of Future Land Use Amendment	26.54 acres	
		Size of Zoning Map Change	40.95 acres	
Location		South side of West Cornwallis Road, along west side of intersection with US Highway 15-501 South		
Overlay District(s)		None		
PIN(s)		0811-03-02-9594 (partial), -12-2899 (partial), -7598 (partial), - 8597 (partial), -5373 (partial), -8744 (partial), -22-0548 (partial), -13-13-5490, -6205, -6106, -5083, -8234, -12-5883, -5683, -8975, -22-0799 (partial), -23-1001, -0101		
Recommendation	Staff Recommendation	Approval, based on consideration of adopted plans, compatibility, impacts, and site dimensions.		
	Planning Commission Recommendation	Denial, 10-3 on February 9, 2016 based on consideration of adopted plans, compatibility, impacts, and site dimensions and information heard at the public hearing.		

A. Summary

The applicant is proposing to change the Future Land Use Map (FLUM) designations of 18 parcels of land located at the intersection of West Cornwallis Road and US 15-501 Highway from Commercial (6.10 acres), Low Density Residential (4 DU/Ac. or less) (4.20 acres), and Medium Density Residential (6-12 DU/Ac.) (16.24 acres) to Low-Medium Density Residential (4-8 DU/Ac.) (26.54 ac.) to allow for the accompanying zoning map change, case Z1500031, to be consistent with the mapped policy guidance for the site. The associated zoning application proposes a residential density of 4.131 DU/Ac. which is

consistent with the requested FLUM category of Low-Medium Density Residential (4-8 DU/Ac.). A portion of the subject site is presently designated as Recreation and Open Space; no change is being requested for this area. This plan amendment request includes one additional parcel, 2209 West Cornwallis Road, than that of the associated zoning in order to avoid a potential isolated, mid-block Commercial designated parcel. One parcel, 2031 Granville Circle, is omitted from the plan amendment request, but included in the zoning request, because it is designated as Recreation and Open Space in its entirety and requires no change for consistency with the proposed zoning.

B. Site History

A previous plan amendment application, case A1400011, was submitted for this site, to request changing 13.32 acres of Commercial and Low Density Residential (4 DU/Ac. or less) designations to be changed to Medium Density Residential (6-12 DU/Ac.) to accommodate the concurrent zoning map change requested PDR density of 7.907 DU/Ac. (case Z1400040). Both the plan amendment (case A1400011) and zoning map change (case Z1400040) were denied by Planning Commission by a vote of 10-1 on July 14, 2015. The applicant withdrew these applications prior to Council consideration.

The subject request, case A1500012, differs from A1400011 in that it encompasses more property (all still within the overall project site associated with the zoning) and seeks the next less intense residential FLUM category; Low-Medium Density Residential (4-8 DU/Ac.) rather than Medium Density Residential (6-12 DU/Ac.).

C. Existing Site Characteristics

The site of the proposed plan amendment consists of all or part of 18 parcels located on the south side of West Cornwallis Road between Welcome Drive and US 15-501 Highway. Several structures are present on the site, one of which is identified by the North Carolina State Historic Preservation Office through its HPOWEB GIS Service as Granville Circle Log Cabin (DH2327). Granville Circle, a private 50-foot street runs through the site, providing access to most of the parcels in this request. Sandy Creek, a perennial stream and Cape Fear River tributary, creates the southern border of the subject site. Land to the north of the site is held by Duke University and is undeveloped. Land south of Sandy Creek is developed as townhouses (Colony Hill). Land to the west is developed as single-family residences (Colony Park).

D. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and/or designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject site is of adequate shape and size to accommodate the proposed change.

1. Criteria A: Consistency with Adopted Plans and Policies

The *Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. The following policies were determined to be relevant in evaluating the subject plan amendment request:

Policy 2.3.1a. Contiguous Development. Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.

Staff Analysis: This proposal supports orderly development patterns per Policy 2.3.1a by maintaining a transition in densities from parcels designated Low Density Residential (4 DU/A. or less) and areas naturally bordered by roads or environmental features.

Policy 2.3.2a., Infrastructure Capacity. In evaluating changes to the Future Land use Map and Zoning Atlas, the City-County Planning Department shall consider impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. In order to assess the impact on infrastructure and services of changes to the Future Land Use and Zoning Maps, the City-County Planning Department shall measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.

Staff Analysis: The site could accommodate the proposed use. Existing infrastructure, such as road, water, and sewer capacity, is sufficient to accommodate potential impacts. Further detail is provided in the zoning map change report.

Policy 2.5.2e., Demand for Land Uses. In evaluating changes to the Future Land Use Map, the Governing Boards, the City-County Planning Commission, and the City-County Planning Department shall consider the projected need for requested land use in the future, in accordance with Table 2-4, as may be updated from time to time.

Staff Analysis: The intent of this policy is to ensure that sufficient land is available to meet the future demand for land uses. The Planning Department estimates an additional 65,000 dwelling units will be required by 2045 to meet demand. Currently, there are approximately 120,000 dwelling units in Durham County. Utilizing adopted residential land use designations on the Future Land Use Map, staff estimates that approximately 319,000 total dwelling units can be accommodated within the Downtown, Compact Neighborhood, Urban, and Suburban Tiers. Planning staff land use projections indicate that commercial uses will require approximately 6,400 acres by 2045. The FLUM currently designates approximately 6,100 acres as Commercial within the Urban, Compact Neighborhood, and Suburban Tiers. Staff anticipates that commercial uses will also be accommodated within approximately 728 acres available in the Downtown Tier.

Staff Conclusion: Staff concludes the proposed change is consistent with the intent, goals, objectives, policies, and guiding principles of any applicable adopted plan per UDO 3.4.7A.

2. Criteria B: Compatibility with Existing Development and Future Land Use Patterns

The site is located within the Suburban Tier, just west of US Highway 15-501 and south of West Cornwallis Road, along a heavily trafficked corridor. The eastern portion of the site and a few acres beyond are designated as Commercial, fitting of their placement at a major intersection. The townhouse development of Colony Hill located to the south of the subject site (just beyond Sandy Creek) was constructed over the course of a decade, from approximately 1973 to 1984. Very little development has otherwise occurred in this area since the construction of Colony Park to the west in the 1960s.

Existing Uses: The site of the proposed plan amendment is bordered to the north by land held by Duke University. Land to the west is developed as single-family residences (Colony Park). Land to the immediate south is floodplain, with additional residential uses located further south (Colony Hill). Land to the east is a four-lane divided US highway. Land separating the two portions of the site is primarily vacant.

Future Land Use Designations: Land to the immediate north and south of the proposed plan amendment is designated Recreation and Open Space, with Medium Density Residential (6–12 DU/Ac.) located further south. Land to the west is designated Low Density Residential. Land to the immediate east is designated Commercial. Land separating the two portions of the site is designated Medium Density Residential (6–12 DU/Ac.).

Table 1: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Undeveloped	Recreation / Open Space
East	Transportation corridor	Commercial
South	Creek (floodplain), townhomes	Recreation / Open Space, Medium Density Residential (6–12 DU/Ac.)
West	Single-family residential	Low Density Residential (4 DU/Ac. or less)

Staff Analysis: Amending the future land use designation of the site from Commercial, Low Density Residential (4 DU/Ac. or less), and Medium Density Residential (6–12 DU/Ac.) to Low-Medium Density Residential (4-8 DU/Ac.) would reduce the more intensive policy recommendations for Medium Density Residential (6-12 DU/Ac.) and Commercial and create a less intense residential density transition from Low Density Residential (4 DU/Ac. or less) to Low-Medium Density Residential (4-8 DU/Ac.); although shifted west to the existing neighborhood.

The proposed conversion of Commercial land to Residential will leave one small commercial node adjacent to the site along US 15-501 Highway, which the applicant does not propose to change because of an existing telecommunications tower and future development potential for the site. The Unified Development Ordinance accommodates transitions of uses through landscape/buffering standards.

Staff Conclusion: In consideration of UDO 3.4.7B, staff concludes the proposed plan amendment is compatible with the existing development in the area because it accommodates uses that would extend the residential neighborhood established to the west with a modest increase in density. The floodplain and highway to the east creates a natural boundary for the proposed infill development.

3. Criteria C: Substantial Adverse Impacts

When evaluating plan amendment proposals, through Criteria A (consideration of adopted policies) and Criteria B (consideration of compatibility) staff assesses potential impacts to the adjacent area and City and County in general.

Staff Conclusion: The proposed amendment is not projected to have any substantial adverse impacts in the adjacent area or the City or County in general. The proposed land use would allow similar development to the adjacent neighborhood to the west.

4. Criteria D: Adequate Shape and Size

The area for which an amendment is requested is 26.54 acres, and is of sufficient shape and size for residential development in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and therefore meets criterion 3.4.7D.

E. Applicant's Plan Amendment Justification

The applicant has provided a justification to explain their reasoning for the plan amendment request. While Planning Staff has reviewed the document, staff makes no representation regarding support or critique of the views offered. Please refer to Attachment 4, Applicant's Justification Statement.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- North Garrett Road Committee
- Fayetteville Street Planning Group
- Unity in the Community for Progress

G. Recommendations

Staff recommends approval, based on consideration of adopted plans, compatibility, impacts, and site dimensions.

Planning Commission recommends denial, by a vote of 10-3 on February 9, 2016, based on consideration of adopted plans, compatibility, impacts, and site dimensions and information heard at the public hearing.

H. Staff Contacts

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I. Attachments

Attachment 1, Proposed Change
Attachment 2, Area Context Map
Attachment 3, Aerial Map
Attachment 4, Applicant's Justification Statement
Attachment 5, Planning Commission Summary
Attachment 6, Comprehensive Plan Amendment Resolution